

Notice of Allowability

Application No.

10/075,625

Examiner

Janet Coppins

Applicant(s)

BOMBARDELLI ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Response to Non-Compliant Amendment, submitted March 1, 2004.
2. ☒ The allowed claim(s) is/are 31,36-38,40-47 and 55.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1625

DETAILED ACTION

Claims 31, 36-38, 40-47, and 55 are pending in the instant application.

Response to Amendment

1. Receipt is acknowledged of Applicants' Supplemental Amendment, submitted January 27, 2004, and Response to Non-Compliant Amendment, submitted March 1, 2004, which have been reviewed by the Examiner and entered of record in the file. Accordingly, claims 31, 36, 40, and 43 have been amended.

Allowable Subject Matter

2. In view of the amendatory changes to add a proviso to the claims and to correct indefiniteness issues, claims 31, 36-38, 40-47, and 55 are allowable over the prior art as newly renumbered claims 1-13.

3. The following is an examiner's statement of reasons for allowance:

This invention relates to novel chalcone coumarin compounds and their pharmaceutical compositions. Chalcone coumarins are known in the art as having anticoagulating activity and the ability to increase blood circulation in capillary vessels, increase capillary vessel permeability, and as being coronary vasodilators. However the aspect of preparing the instant claimed compounds, which exclude the known compounds (wherein R1 is methyl and Ar is 3- or 4-pyridyl) is novel and unobvious. In order to overcome the anticipation and obviousness rejections, Applicant has added a proviso to exclude the existing compounds that read on the instant claims, and since the instant claimed compounds are unsubstituted except for the 2, 4, 7, and 8 positions, they also differ from the prior art coumarin-pyridines. After a thorough search, the closest prior art of record, Thakar et al. and FR 2387956, both discussed in the previous

Art Unit: 1625

Office Action, disclose similar chalcone coumarins. However, the prior art does not fairly suggest the preparation of the instant claimed 8-coumarinyl pyridine compounds, which do not belong to the same homologous class of compounds of either Thakar et al or FR 2387956. The formal issues have been completed with the deletion of the overlapping subject matter from the claims, and the amendments to obviate the 35 U.S.C. 112 issues. Therefore the prior art fails to teach or render obvious the instant compounds since the reference patents do not specifically recite the same 8-coumarinyl pyridines as instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Joseph McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Janet L. Coppins
March 17, 2004


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